



UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 08

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OCT 15 2003

In re Application of:	:	
Willis John	:	DECISION
Application No. 09/728,027	:	ON
Filed: November 30, 2000	:	PETITION
Attorney Docket No.: SIG000064	:	

This is a response to the petition under 37 CFR § 1.181 to withdraw the holding of abandonment for the above identified application filed June 16, 2003, for which no fee is required

The petition is **granted**.

The application was held abandoned for failure respond to the Office action mailed April 01, 2002. A Notice of Abandonment was mailed on May 21, 2003.

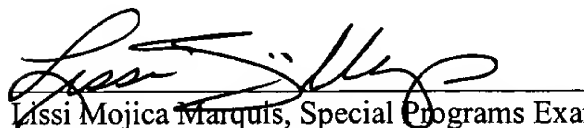
The petitioner asserts that the Office action was not received by the practitioner. To support this assertion, the petitioner has provided a copy of the practitioner's docket records that demonstrate where the non-received Office action would have been entered had it been received by the practitioner. Additionally, the petitioner has provided a statement that attests that a search of the file jacket and docketing records indicates that the Office action of April 01, 2002, was not received by the petitioner.

A review of the written record reveals that the above-identified Office action was returned by the United States Postal Service to the United States Patent and Trademark Office (PTO). The PTO did not remail the Office action pursuant to MPEP 707.13. Accordingly, the application was not abandoned in fact.

In view of the above, the petition is granted. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The application file is being forwarded to the Technology Center 2800 support staff for remailing the Office action dated April 01, 2002. The statutory periods for response set therein will be reset to run three months from the date the Office action is remailed. Extensions of time may be available under 37 C.F.R. 1.136(a).

Inquiries regarding this decision should be directed to Lissi Mojica Marquis at (703) 308-2260.



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